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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,751	08/21/2008	Gianfranco Bedetti	9526-98 (195017)	3729

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EXAMINER	
PENNY, TABATHA L	

ART UNIT	PAPER NUMBER
1712	

NOTIFICATION DATE	DELIVERY MODE
06/21/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip@akerman.com

Office Action Summary	Application No.	Applicant(s)	
	10/599,751	BEDETTI, GIANFRANCO	
	Examiner	Art Unit	
	TABATHA PENNY	1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Acknowledgement is made of receipt of the Remarks and Amendments, filed 3/29/2010, in response to the non-final office action, dated 9/28/2009.

2. Claims 1-5 are pending. Claims 6-10 were cancelled. Claims 1-4 are currently amended. No new matter was added.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Niks et al. (US 4,219,589).

5. **Regarding applicants' Claim 1-3,** Niks et al. discloses a fluid bed granulation process of urea, i.e. a predetermined substance, comprising the steps of (abstract): forming, through a fluidification air flow 8, a fluid bed of granules of the substance to be granulated (col. 5 ln. 2-5), urea nuclei being fed as starting material through conveyor 15 (col. 5 ln. 16-18 and col. 6 ln. 45-46), i.e. in the form of seeds. Niks et al. discloses spraying a urea solution through sprayers 9, 10, 11, and 12 during the granulation process (col. 5 ln. 8-16), i.e. feeding said fluid bed with a continuous flow of a growth substance. Niks et al. does not appear to teach use of an additional air source and explicitly discloses the air provided through conduit 8 is "air of fluidification" (col. 5 ln. 3-

4), i.e. maintaining and regulating the movement of the fluidized bed through part of the fluidification air flow.

6. Niks et al. does not appear to explicitly disclose a predetermined amount of fluidification air; however, Niks et al. discloses preheating the air in one or more heaters prior to supplying to conduit 8 (col. 5 ln. 4-5). Niks et al.'s preheating of the air indicates that the fluidification air is flown at a predetermined amount.

7. Niks et al. further discloses supplying the fluidification air flow on one side of the granulator through conduit 8 and passing the air flow through grid 7 which supports the fluidized bed (col. 5 ln. 2-5 and Fig.). Niks et al. does not appear to explicitly disclose the air flow is divided into a plurality of fractions having respective flow rates comprised between a minimum value flow rate, sufficient to support the fluid bed, fed at a first zone thereof, and a maximum value flow rate, fed in another zone of the same bed, so as to induce and maintain the movement of the granules of substance. However, as Niks et al.'s grid 7 divides the air flow into a plurality of fractions. Since Niks et al.'s air flow is flown into one side and across the bed (Fig.) for at least some period of time in the operation (particularly the time proceeding steady state of the process) the grid would act as a manifold providing a stepwise, continuous, and gradual flow wherein the fraction of air flow in the zone of the bed closest to conduit 8 would be at a maximum and the fraction of air flow in the zone of the bed closest to the outlet 26 would be a minimum; therefore, Niks et al. inherently discloses the air flow is divided into a plurality of fractions having respective flow rates comprised between a minimum value flow rate, sufficient to support the fluid bed, fed at a first zone thereof, and a maximum value flow

rate, fed in another zone of the same bed, so as to induce and maintain the movement of the granules of substance.

8. Niks et al. is silent as to the movement of air within the granulation chamber; however, Niks et al. and applicant disclose substantially identical fluidification apparatuses with substantially identical distributions of fluidification air flow through a grid (Niks et al. col. 5 ln. 2-5, See spec Figures 3-5). Therefore, Niks et al.'s fluidification air flow would inherently be substantially vortex-shaped circulatory movement with a substantially horizontal axis. Absent an objective evidentiary showing to the contrary, the claim to vortex-shaped circulatory movement in the claim language fails to provide patentable distinction over the prior art of record.

9. **Regarding applicants' Claim 4,** Niks et al. discloses the process can be carried out continuously (col. 5 ln. 53-54). Niks et al. further discloses wherein the granules of the substance to be granulated are made flow from the screw 15 at one end of the fluid bed to an opposite end of the fluid bed where the finished granulated product is discharged through outlet 26 (col. 5 ln. 16-36).

10. Niks et al. is silent as to the movement of granules within the granulation chamber; however, Niks et al. and applicant disclose substantially identical fluidification apparatuses with substantially identical distributions of fluidification air flow through a grid (Niks et al. col. 5 ln. 2-5, See spec Figures 3-5). Therefore, Niks et al.'s granule movement would inherently be helical. Absent an objective evidentiary showing to the contrary, the claim to vortex-shaped circulatory movement in the claim language fails to provide patentable distinction over the prior art of record.

11. **Regarding applicants' Claim 5,** Niks et al. discloses the finished granulated product is continuously discharged form a bottom of said fluid bed (col. 5 ln. 35-36 and ln. 53-54). Niks et al. does not appear to explicitly disclose the discharge is by gravity; however, Niks et al. discloses 26 is a "bottom outlet" and Niks et al. does not disclose an additional mechanism or apparatus for removing the granules; therefore, Niks et al. inherently discloses the granules are removed by gravity.

Response to Arguments

12. Applicant's arguments, see Remarks, filed 3/29/2010, with respect to rejections based upon art have been fully considered and are persuasive. The rejection of claims 1 and 3 under 35 USC 102b over Golant has been withdrawn. The rejection of claim 2 under 35 USC 103a over Golant in view of Wurster has been withdrawn. The rejection of claims 4-5 under 35 USC 103a over Golant in view of Marshall has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Niks et al. (US 4,219,589).

13. Applicant's arguments, see Remarks and Amendments, filed 3/29/2010, with respect to the objection to the drawings have been fully considered and are persuasive. The objection of the drawings has been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TABATHA PENNY whose telephone number is

(571)270-5512. The examiner can normally be reached on Monday thru Friday 8:00am-4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on (571)272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/tp/

/Michael Cleveland/

Supervisory Patent Examiner, Art Unit 1712